

ASSESSMENT RATE

§ 927.236 Assessment rate.

On and after July 1, 2004, an assessment rate of \$0.49 per 44-pound standard box or container equivalent of conventionally and organically produced pears and, in addition, a supplemental assessment rate of \$0.01 per 44-pound standard box or container equivalent of Beurre d'Anjou variety pears, excluding organically produced Beurre d'Anjou pears, is established for the Winter Pear Control Committee.

§ 927.316 Handling regulation.

During the period August 15 through November 1, no person shall handle any Beurre D'Anjou variety of pears for shipments to North America (Continental United States, Mexico, or Canada), unless such pears meet the following requirements:

(a) Beurre D'Anjou variety of pears shall have a certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core/pulp temperature of such pears has been lowered to 35 degrees Fahrenheit or less and any such pears have an average pressure test of 14 pounds or less. The handler shall submit, or cause to be submitted, a copy of the certificate issued on the shipment to the Control Committee.

(b) Each handler may ship on any one conveyance 8,800 pounds or less of Beurre D'Anjou variety of pears without regard to the quality and inspection requirements in paragraph (a) of this section.

PART 928—PAPAYAS GROWN IN HAWAII

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928.226 Assessment rate.
928.313 Hawaiian Papaya Regulation 13.

AUTHORITY: 7 U.S.C. 601-674.

SOURCE: 36 FR 8925, May 15, 1971, unless otherwise noted.

Subpart—Order Regulating Handling

DEFINITIONS

§ 928.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may thereafter be delegated, to act in his stead.

§ 928.2 Act.

Act means public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (46 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 928.3 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

§ 928.4 Papayas.

Papayas means any and all varieties of papayas grown in the production area.

§ 928.5 Production area.

Production area means the State of Hawaii.

§ 928.6 Fiscal year.

Fiscal year means the 12-month period beginning January 1 of each year, or such other period that may be approved by the Secretary pursuant to a recommendation by the committee: *Provided*, That the initial fiscal year shall begin on the effective date of this part.

§ 928.7 Committee.

Committee means the Papaya Administrative Committee established pursuant to § 928.20.

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§ 928.8 Grower.

Grower is synonymous with *producer* and means any person who produces papayas for market, and who has a proprietary interest therein.

§ 928.9 Handler.

Handler is synonymous with *shipper* and means any person (except a common or contract carrier transporting papayas owned by another person) who handles papayas in fresh form or causes papayas to be handled.

§ 928.10 Handle.

Handle or *ship* are synonymous and mean to sell, consign, deliver, or transport papayas or cause papayas to be sold, consigned, delivered, or transported within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include:

- (a) The sale of papayas on the tree;
- (b) The transportation of papayas from the location where grown to a packinghouse within the production area for the purpose or having such papayas prepared for market; or
- (c) The sale of papayas at retail by a person in his capacity as a retailer.

§ 928.11 District.

District means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 928.31(o):

(a) *District 1* shall include the island of Hawaii.

(b) *District 2* shall include the county of Kauai which consists of the islands of Kauai and Niihau; the county of Maui which consists of the islands of Maui, Molakai, Lanai, and Kahoolawe; and Kalawao County.

(c) *District 3* shall include the county of Honolulu which includes all of the island of Oahu.

[53 FR 864, Jan. 14, 1988]

§ 928.12 Export.

Export means to ship papayas to any point outside the State of Hawaii.